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INTELLECTUAL PROPERTY
402-391-4448

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March 5, 2006

Commissioner for Patents
Box: 1450
Alexandria, VA 2313-1450

RE: APPLICATION OF HERZINGER TITLED "TIME EFFICIENT METHOD FOR INVESTIGATING SAMPLE SYSTEMS WITH SPECTROSCOPIC ELECTROMAGNETIC RADIATION";
SERIAL NO.: 10/684,087;
FILE DATE: 10/12/03;
ART UNIT: 2877;
EXAMINER: ISIAKA O. AKANBI

RESPONSE TO OFFICE ACTION

Dear Sir;

I am in receipt of an Action dated 02/23/06 regarding the identified Application.

The Examiner has identified Patent No. 6,813,026 to McAninch and rejected all Claims under Section 102. Applicant disagrees that McAninch 026 obviates the Method of the present invention in that said 026 Patent teaches that full purging should be accomplished before data is acquired, and describes in great detail a system designed to enable quick, (eg. 10 seconds), purging. The present invention, on the other hand, teaches that most practical available systems take significant time, (eg. an hour), to be sufficiently purged so that water vapor and oxygen concentrations are sufficiently reduced to enable data acquisition using, for instance, VUV wavelengths. The present invention, in contrast to McAninch, teaches that during a purge procedure, before water vapor and oxygen concentrations are sufficiently reduced to enable data acquisition using, for instance, VUV wavelengths, that data be acquired for wavelengths in ranges which are not adversely affected by water vapor and oxygen. The prevents wasted researcher time.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.

JAMES D. WELCH 3/04/06
DATE